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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
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**JUN 16 2000**

15 June 2000

Ref: EPR-ER

Mr. William M. Corcoran  
Vice President, Public and Regulatory Affairs  
W.R. Grace & Co.  
7500 Grace Drive  
Columbia, Maryland 21044

Subject: Comments on Draft Work Plan for the Export Plant, Libby Asbestos Site, Libby,  
Lincoln County, Montana

Dear Mr. Corcoran:

Enclosed please find comments on the draft work plan that W.R. Grace (Grace) submitted on 6 June 2000 as required by the Unilateral Administrative Order (UAO), Docket No. CERCLA-8-2000-10. This UAO directs Grace to plan and conduct removal work at the Export Plant at the Libby Asbestos Site located in Libby, Montana. The comments also include those from the Montana Department of Environmental Quality (MDEQ) on the work plan.

In general, the EPA and MDEQ are greatly disappointed with the submittal and have determined that the work plan submitted by Grace is grossly inadequate. The work plan completely omits a number of elements required by the UAO, and does a poor job addressing other elements, even those deemed crucial by Grace. For example, at our meeting on 3 June 2000 Grace specifically brought up the issue of attempting to decontaminate the buildings at the Export Plant in lieu of a complete demolition. The Agency has consistently expressed doubt (which is shared to some extent by Grace's own contractor) that the buildings can be decontaminated effectively. Grace's counsel at the meeting asked that Grace's proposal be given a "fair hearing." Yet, the submitted work plan barely gives the issue two complete sentences, making no attempt to explain the viability of cleaning the buildings, much less providing the Building Decontamination Feasibility Plan or Building Decontamination Plan as required by the UAO. It is impossible to give any "hearing" to an issue when no information is submitted.

On 10 March 2000, during the course of the failed negotiations for an Agreement on Consent (AOC) Grace shared with EPA a draft work plan covering proposed work at both the Export Plant and the Screening Plant. This plan was discussed at this meeting, and EPA provided substantive oral comments on the work plan. In April, and again in May, EPA shared with Grace and its contractors drafts of the Agency's Scope of Work (SOW) that was to be attached to the UAO. During this time we have discussed with Grace personnel at length the scope and planned conduct of the removal actions in Libby. It is incomprehensible that Grace was not prepared for



the SOW attached to the UAO. Grace had ample opportunity to prepare the work plan and associated documents, and we are concerned with Grace's unresponsiveness.

In addition to the issues raised in the enclosed comments, the draft work plan failed to include the following plans explicitly required by the UAO and attached SOW:

1. Health and Safety Plan
2. Dust Control Plan
3. Erosion Control Plan
4. Building Decontamination Feasibility Plan
5. Building Decontamination Plan
6. Equipment & Personnel Decontamination Plan
7. Site Control Plan
8. Appraisal and Personal Property Valuation Plan
9. Disposal Site Closure and Institutional Control Plan

Grace's failure to submit these documents as part of an adequate work plan makes it impossible to assess Grace's willingness and capability to comply with the UAO, and to evaluate the effectiveness of Grace's planned actions.

At this time, Grace is not in compliance with the UAO. The UAO requires Grace to submit a revised work plan within three business days upon receipt of these comments. Unless Grace substantially improves the quality of its work plan, and addresses fully the above listed plans and enclosed comments, the EPA and MDEQ will be forced either to write the work plan for W.R. Grace in an entirely proscriptive fashion, or take over the project and do the work directly. Neither EPA nor MDEQ believe that this is a desirable outcome. It is in the interests of all parties involved that Grace put forth the effort to adequately address all of the points raised herein, and submit a complete and thorough work plan. Given that Grace has had contractors and personnel in Libby for over three months evaluating the scope of the work and planning to conduct this removal action, it is reasonable to expect Grace to have developed an appropriate and adequate work plan.

During the week of 19 June 2000, I will be in Atlanta, Georgia for a deposition, and other related EPA business. If you have any questions regarding the comments please contact OSC Johanna Miller at (303) 312-6804, or John Constan with MDEQ at (406) 444-1438. If you have any legal questions please contact Matthew Cohn, at (303) 312-6853. I will have my pager with me, and will respond to a page as my schedule permits.

Sincerely,



Paul R. Peronard  
On Scene Coordinator

cc: Jim Stout, URS  
Ken Lund, HRO  
Alan Stringer, W.R. Grace  
Anthony Berget, Mayor of Libby  
Jim O'Brien  
Judy & Mel Burnett  
John Constan, MDEQ  
Kelcey Land  
Matthew Cohn